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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/693,060	10/20/2000	Joel E. Short	42253/205301	8830
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ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			WON, MICHAEL YOUNG	
			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 12/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/693,060	Applicant(s) SHORT ET AL.	
	Examiner Michael Y. Won	Art Unit 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the amendment filed October 17, 2005.
2. Claims 1, 10, 17 have been amended
3. Claims 1-24 have been examined and are pending with this action.

Claim Rejections - 35 USC § 112

4. With respect to the amended claim language of claims 1, 10, and 17, the rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement, has been withdrawn.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1-16, are rejected under 35 U.S.C. 102(e) as being anticipated by Sitaraman et al. (US 6,385,653 A).

INDEPENDENT:

As per **claim 1**, Sitaraman teaches a method for selectably controlling and customizing source access to a network, wherein the source is associated with a source computer, comprising:

receiving at the gateway device a request from the source computer for access to the network (see col.3, lines 36-40 and col.4, lines 39-44), wherein the gateway device enables the source computer to access any network (see col.9, lines 15-21) regardless of network configurations (see col.5, line 63-col.6, line11) and no configuration software need be installed on the source computer to access the network (see col.4, lines 60-67);

identifying an attribute associated with the source (see col.4, lines 55-67) based upon a packet transmitted from the source computer (see col.4, lines 50-51) and received by the gateway device (see col.4, lines 39-44);

accessing a source profile corresponding to the source and stored in a source profile database, wherein the source profile is accessed based upon the attribute (see Fig.2; col.2, lines 52-58; col.3, lines 23-25; and col.5, lines 38-44), and wherein the source profile database is located external to the gateway device and in communication with the gateway device (see Fig.1), and

determining the access rights of the source based upon the source profile, wherein access rights define the rights of the source to access the network (see col.1, line 63-col.2, line 19 and col.5, lines 1-10).

As per **claim 10**, Sitaraman teaches a system for selectably controlling and customizing access, to a network, by a source, where the source is associated with a source computer, and wherein no configuration software need be installed on the source computer to access the network, comprising:

a gateway device, wherein the gateway device receives a request from the source for access to the network (see col.3, lines 36-40 and col.4, lines 39-44) and provides the source computer with access to the network regardless of network configurations (see col.1, lines 35-40 and col. 3, lines 35-50);

a source profile database in communication with the gateway device and located external to the gateway device (see Fig.1), wherein the source profile database stores access information identifiable by an attribute associated with the source, and wherein the attribute is identified based upon a data packet transmitted from the source computer and received by the gateway device (see Fig.2; col.2, lines 52-58; col.3, lines 23-25; and col.5, lines 38-44), and

an Authentication, Authorization and Accounting (AAA) server in communication with the gateway device and source profile database, wherein the AAA server determines if the source is entitled to access the network based upon the access information stored within the source profile database, and wherein the AAA server determines the access rights of the source, wherein access rights define the rights of the source to access destination sites via the network (see col.1, line 63-col.2, line 19 and col.5, lines 1-10).

DEPENDENT:

As per **claim 2**, Sitaraman further teaches wherein determining the access rights of the source based upon the source profile comprises determining the access rights of the source based upon the source profile, wherein access rights define the rights of the source to access a requested network destination (see col.1, line 63-col.2, line 19 and col.5, lines 1-10).

As per **claim 3**, Sitaraman teaches of further comprising assigning a location identifier to the location from which requests for access to the network are transmitted, and wherein the location identifier is the attribute associated with the source (see col.2, lines 23-38 and col.8, lines 29-40).

As per **claims 4 and 12**, Sitaraman further teaches wherein accessing a source profile corresponding to the source comprises accessing a source profile stored in a source profile database, wherein the source profile database comprises a remote authentication dial-in user service (RADIUS) (see col.2, lines 3-5 and col.7, lines 2-10).

As per **claims 5 and 13**, Sitaraman further teaches wherein accessing a source profile corresponding to the source comprises accessing a source profile stored in a source profile database, wherein the source profile database comprises a lightweight directory access protocol (LDAP) database (see col.11, lines 35-38).

As per **claim 6**, Sitaraman teaches of further comprising updating the source profile database when a new source accesses the network (inherent: see col.3, lines 25-34).

As per **claim 7**, Sitaraman teaches of further comprising maintaining in the source profile database a historical log of the source's access to the network (inherent: "AAA").

As per **claim 8**, Sitaraman further teaches wherein the attribute associated with the source is based upon one of a MAC address, User ID or VLAN ID associated with the source computer from which the request for access to the network was transmitted (see col.1, lines 65-66 and col.8, lines 20-25).

As per **claim 9**, Sitaraman further teaches wherein receiving at the gateway device a request from a source for access comprises the step of receiving a destination address from the source (see col.3, lines 11-14).

As per **claim 11**, Sitaraman further teaches wherein the packets received by the gateway device include at least one of VLAN ID, a circuit ID, and a MAC address (see col.3, lines 11-14).

As per **claim 14**, Sitaraman further teaches wherein the source profile database includes a plurality of source profiles, wherein each respective source profile of the plurality of source profiles contains access information (see col.5, lines 38-44).

As per **claim 15**, Sitaraman further teaches wherein each respective source profile contains historical data relating to the duration of network access for use in determining the charges due for the network access (inherent: "AAA").

As per **claim 16**, Sitaraman further teaches wherein the source profile database is located within the AAA server (see Fig.1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 17 and 20-24, are rejected under 35 U.S.C. 103(a) as being unpatentable over Sitaraman et al. (US 6,385,653 A) in view of Bowker et al. (US 6,317,790 B1).

As per **claim 17**, Sitaraman teaches a method for redirecting a source attempting to access a destination through a gateway device, wherein source is associated with a source computer, and wherein the gateway device enables the source to communicate with a network, comprising:

receiving at the gateway device a request from the source to access the network (see col.3, lines 36-40 and col.4, lines 39-44) regardless of network configuration (see col.1, lines 35-40 and col. 3, lines 35-50) and without requiring the source computer to include network software configured for the network (see col.4, lines 60-67);

identifying the source based upon an attribute associated with the source (see col.4, lines 50-59 and col.6, lines 46-51);

accessing a source profile database located external to the gateway device, the source profile database storing access rights of the source (see Fig.2; col.2, lines 52-58; col.3, lines 23-25; and col.5, lines 38-44); determining the access rights of the source based upon the identification of the source, wherein the access rights define the rights of the source to access destination sites via the network (see col.1, line 63-col.2, line 19 and col.5, lines 1-10).

Sitaraman does not explicitly teach directing the source to a redirection site when the source profile is not located within the source profile database. Bowker teaches of directing the source to a redirection site when the source profile is not located within the source profile database (see col.11, lines 2-5; col.13, lines 59-62; and col.14, lines 30-33 & 59-61).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Bowker within the system of Sitaraman by implementing a redirection site for directing the source when the source profile is not located within the source profile database because such an implementation allows a condition to be applied such as redirection to a registration site for sources without a

profile or redirection to a notification site denying access to invalid sources (see Bowker: col.14, lines 14-16).

As per **claim 18**, Sitaraman further teaches wherein accessing a source profile database comprises accessing a source profile database comprising a remote authentication dial-in user service (RADIUS) (see col.2, lines 3-5 and col.7, lines 2-10).

As per **claim 19**, Sitaraman further teaches wherein accessing a source profile database comprises accessing a source profile database comprising a lightweight directory access protocol (LDAP) database (see col.11, lines 35-38).

As per **claim 20**, Sitaraman teaches of further comprising assigning a location identifier to the location from which requests for access to the network are transmitted, and wherein the location identifier is the attribute associated with the source (see col.2, lines 23-38 and col.8, lines 29-40).

As per **claim 21**, Sitaraman teaches of further comprising updating the source profile database when a new source accesses the network (inherent: see col.3, lines 25-34).

As per **claim 22**, Sitaraman teaches of further comprising maintaining in an accounting database a historical log of the source's access to the network (inherent: "AAA"), wherein the accounting database is in communication with the source profile database (see Fig.1).

As per **claim 23**, Sitaraman further teaches wherein receiving at the gateway device a request from a source for access comprises the step of receiving a destination address from the source (see col.3, lines 11-14).

As per **claim 24**, Sitaraman further teaches wherein determining if the source computer is entitled to access the destination address further comprises denying the source computer access where the source profile indicates that the source computer is denied access (see col.2, lines 20-23).

Response to Arguments

7. In response to the argument regarding claims 1, 10, 17 with respect to the amended language of "wherein the gateway device enables the source computer to access any network regardless of network configurations", "wherein the gateway device receives request from the source for access to the network and provides the source computer with access to the network regardless of network configuration", and "receiving at the gateway device a request from the source to access the network regardless of the network configurations", respectively, Sitaraman (US 6,385,653 B1) explicitly teaches these limitations.

With respect to claims 10 and 17, Sitaraman clearly teaches the shortfalls of prior art primarily of "supporting network access methods such as dial-up, cable modem, and ADSL... to a subscriber regardless of the type of network access method use" (see col.1, lines 35-40) and achieves them in his disclosure "Network access request, which may be based on different access method are processed by using a protocol gateway... to obtain the necessary services required for the different access methods supported" (see col.3, lines 36-40). Such teachings explicitly teach the limitation of "access to the

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network regardless of the network configuration” or “to access the network regardless of the network configurations”.

With respect to claim 1, specifically the element of “access to any network” (emphasis added), Sitaraman teaches that the system is scalable to support additional network access methods (see col.9, lines 15-21 and Fig.3, #112: “PROTOCOL HANDLER #n”). Furthermore, Sitaraman teaches in column 6, lines 41-45, that number of task sources (see col.6, lines 18-22: task sources includes at least one port for receiving from a client according to the application protocol used by a respective client) are not intended to be limiting (are scalable). Therefore, Sitaraman clearly suggests “access to any network regardless of network configurations”.

The examiner believes that because the “source profile” is accessed according to the “attributes” as recited claimed invention, the argument provided by the applicant(s) that “If the protocol is not supported, however, the computer user will be unable to communicate with the network” also applies to the claimed invention. If the “source profile” is not stored in a “source profile database”, the computer will be unable to communicate with the network. Therefore, the “access to any network” is not given patentable weight. To distinguish from the prior art, the claim needs to functionally recite how the “access to any network” is performed specifically that it is not based on a predisposed means to determine compatibility.

For the reasons above claim 1-24 remain rejected.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Y. Won whose telephone number is 571-272-3993. The examiner can normally be reached on M-Th: 7AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Won



December 16, 2005



SALEH NAJJAR
SUPERVISORY PATENT EXAMINER